

MEETING MINUTES
STATE CONSUMER AND FAMILY ADVISORY COMMITTEE
January 13, 2005

Present: Jere Annis, Carl Britton-Watkins, Terry Burgess, Zack Commander, Sandy DuPuy, Cody Ferrell, Kathleen Herr, Ron Huber, Ed Masters, Ellen Perry, Barbara Richards, Amelia Thorpe, and Betty Stanberry.

Absent: Pete Clary, Doug Michaels and Katie Sawyer.

Resigned: Hamilton Poe, Ben Jones, Paula Wagner, Derl Bruce and Alex Vasquez

DHHS Staff Present: Stuart Berde, Yolanda Hunter, Cathy Kocian, Chris Phillips, Ann Remington, Glenda Stokes, and Leza Wainwright.

Guests: Dennis Knasel, Betty Pankey, and Steve Pocklington.

1. Welcome and Introductions

- .. The Code of Conduct rules were reviewed.
- .. Cody Ferrell, appointed for a one year term in the adolescent mental health category, was introduced to the committee.
- .. Per by-laws Article 5, Section 7 the committee voted to officially remove Ben Jones and Paula Wagner.
- .. The written resignations of Derl Bruce, Hamilton Poe, and Alex Vasquez were officially accepted. The Chair will send a written notification to Secretary Carmen Hooker-Odom.

2. Approval of Agenda and Minutes

- .. The agenda was approved with changes.
- .. The December minutes were approved.

3. Retention of Existing Members and Recruitment of New Members

- .. The committee decided that upon the resignation of a SCFAC member, the member appointed as their replacement would fulfill the remaining term of the resigned member.
- .. It was the unanimous decision of the committee to recommend that all current SCFAC members having a one-year term and wishing to be reappointed, should resubmit an application in April 2005 in order to be considered for reappointment by Secretary Odom in June 2005.
- .. A Division communication was sent to all CFACs, consumer and advocacy groups, providers, LME staff, etc. announcing vacancies on the SCFAC. Attached to the communication was a call for nominations and a nomination form.
- .. The deadline for application for appointment to the SCFAC is February 3, 2005. Applications can be obtained on the Division SCFAC web site and mailed/emailed/faxed to Ann Remington.
- .. Committee members were in favor of contacting advocacy organizations with regards to placing SCFAC vacancies in their Newsletters (i.e. NAMI, Arc, and MH Association).

4. Communication Bulletin #30 (Policy for Consumer Complaints to an Area Program/Local Management Entity)

- .. Stuart Berde, Customer Service and Community Rights Team Leader and Glenda Stokes (Team member) presented information and answered questions from SCFAC members.
- .. The SCFAC recommended that the Division produce a document that is consumer friendly and has a glossary identifying the acronyms. In addition, the SCFAC believes there is a need for the LMEs to be consistent with terminology, accreditation and time lines across the state.
- .. As a result of the dialogue with Stuart and Glenda, a draft of the SCFAC feedback will be composed for members to review and edit. All comments must be submitted to the staff liaison by noon, Friday, January 21, 2005.
- .. A SCFAC member will present the recommendations to the ELT on January 25, 2005.
- .. SCFAC Recommendations that were submitted to the Division are listed at the end of this document.

5. Public Comment Time

- .. Carl Britton-Watkins complimented Dan Herr's letter addressing Service Definitions, stating that it was well written and covered all areas. In addition, Carl emphasized the importance of the commitment of committee members in preparing for agenda items to be addressed at each SCFAC meeting.

6. Service Definitions Transition Training

- .. Leza Wainwright, Deputy Director of DMH/DD/SAS, presented information on the Division's training objectives. In order for Service Definitions to be approved, they must be written in language that is required by Medicaid. The Division is already aware that LMEs, providers, and consumers and family members do not have a deep understanding of the definitions.
- .. It is the Division's intention to have an interactive two-way teleconference which would be done in 2-3 hour increments at various community colleges or Allied Health Education Centers (AHEC) across the state through the NC Informational Highway and staff in Raleigh.
- .. The Division is concerned with:
 - Quality of services,
 - Ensuring a higher quality of care through raising the standards of training. Twenty hours of Service Definition Training will be required of all staff and
 - Requiring national accreditation of providers. A fully divested program must have at least one national accreditation. Accreditation Requirements for LMEs:

1. The DHHS/LME contract requires all LMEs to demonstrate "progress in the process" of obtaining accreditation from a national accrediting board under behavioral healthcare standards within three years of signing the contract. The Department currently recognizes three national accrediting bodies: 1) the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), 2) the National Committee on Quality Assurance (NCQA) and 3) the Center for the Accreditation of Rehabilitation Facilities (CARF). This contractual requirement does not mean that the LME has to

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achieve full accreditation in the first three years, only that they have to be actively working towards becoming accredited.

2. Many of the new Enhanced Services definitions require national accreditation of providers. The service definitions say that the service provider must have national accreditation within three years of being enrolled in the Medicaid program to deliver that service. **IF** LMEs are going to deliver one of the services that requires national accreditation, they will also have to become accredited within three years of beginning to offer the service.

Consequently, every LME will have to have at least one national accreditation and, depending on the services that they may continue to offer if they are not fully divested, they may have to get two different accreditations.

7. Service Definitions Input (Dan Herr's Letter)

- .. The SCFAC endorsed the recommendations outlined in Dan Herr's letter addressed to Flo Stein, Chief of Community Policy Management, on December 9, 2004. Sandy DuPuy sent notice via email to Secretary Carmen Hooker-Odom, Mike Moseley and Gary Fuquay on December 27, 2004, on behalf of SCFAC expressing support for Mr. Herr's documented concerns.
- .. Mike Moseley sent a response to SCFAC regarding concerns addressed in Mr. Herr's letter. Mr. Moseley noted, one example of the misunderstanding that this language can cause is the assumption in Mr. Herr's review that the limitations outlined in the definitions on the number of units of service that can be delivered in any given period of time are "hard and fast" limits. In addition, Mr. Moseley stated that the Division "will continue to make changes to the service definitions as needed to provide the best services possible."
- .. Once Service Definitions become available on the web, Kathleen Herr will send out a notice to SCFAC members requesting final feedback. Kathleen will then draft a letter compiling SCFAC responses and submit to appropriate Division Staff.

8. Communication Protocol

- .. SCFAC members approved the final document as written:
 - For all official communications between the Division of MH/DD/SAS Executive Leadership Team (ELT) and the State Consumer and Family Advisory Committee (SCFAC), the Chair and/or Vice Chair (or designee) will act as the representatives for the committee.
 - The SCFAC Chair or Vice Chair (or designee) will attend the ELT meeting on the fourth Tuesday of each month. The ELT/Division staff will provide the SCFAC with pertinent information to review prior to this meeting. The SCFAC will review, discuss and collectively agree on input to be provided to the ELT.
 - The SCFAC may also submit issues and concerns of importance at any time to the ELT via in-person, email, mail and/or telephone contact.

Approved

- The SCFAC meets on the second Thursday of each month. A standing agenda item each month will allow for an “ELT report on progress with regards to accomplishing the State Plan and current priorities.” The report/update to the SCFAC will be delivered by an ELT member or their designee.
 - Communication will occur among SCFAC members between meetings to formulate input and/or make recommendations to be approved at their subsequent SCFAC meeting.
- .. SCFAC members were selected to attend the Executive Leadership Team (ELT) meetings for the following dates: Ron Huber (January 25, 2005), Sandy DuPuy (February 22, 2005), Barbara Richards (March 22, 2005) and Carl Britton-Watkins (April 26, 2005).

9. Continuation of Work Plan Priorities

- .. SCFAC members have chosen to address the following priorities:
- Develop provider and LME report cards.
 - Continue quality improvement efforts to assure model fidelity of supports and services.
 - Advance the opportunities for people with disabilities and their families to influence the full range of the system - from policy leadership to more discrete operations.
- .. The Chair will delegate composition of sub-committees based on SCFAC member’s expressed interest. February’s agenda will include time for the sub-committees to meet to develop a strategy to address their assigned priority.

10. Next Meeting

- .. The next meeting is scheduled for February 10, 2005 from 9:30 A.M.-3:30 P.M. and will be held at the Parker Lincoln Building, 2728 Capital Blvd., Conference Room 1H 120, Raleigh, N.C.
- .. Directions to the Parker Lincoln Building:
Take the beltline (I-440) to Capital Boulevard.
Take the exit to travel NORTH on Capital Boulevard.
The Parker Lincoln Building is located on your right just past the Capital Boulevard and I-440 intersection. It is the large brown glass-front building just past Perkins Restaurant. Pass the building and take a right at the intersection of Capital Blvd. and Westinghouse Boulevard.
PARKING:
Visitor parking is located in two areas adjacent to the building. It is suggested to park in the rear of the building.

11. February Meeting Agenda

- .. Approval of the Agenda.
- .. Approval of January’s minutes.
- .. Carol Robertson, DMA Presentation.
- .. Old and New Business.
- .. Review of the summarized comments regarding the Policy for Consumer Complaints to an Area Program/Local Management Entity (Communication Bulletin 30).
- .. Priorities discussion and assembling of sub-committees.

Approved

State Consumer and Family Advisory Committee
January 21, 2005

SCFAC Recommendations

Communication Bulletin #30 Draft Policy for Consumer Complaints to Area/County Program

Part I. Rights Section

1. The SCFAC would like the following statement added to the Policy, “Consumers may also contact the Governor’s Advocacy Council for Persons with Disabilities regarding complaints or concerns”. (GACPD)
2. It was suggested that any policy the state creates should be in line with those accrediting bodies' requirements so time lines, etc. will be standard around the state. That way, all policies will be consistent and even Area Programs can have the same policy guidelines as LMEs.
3. There are concerns surrounding the fact that Client Rights committees may not be able to meet the timelines noted in the policy, because the Client Rights committee members are volunteers. Some committees only meet quarterly. (We have found that committees often meet monthly. We understand your concern.)
4. Another option to review if Client Rights Committees are going to be mandated to assist with the work of the Division and the LME on a 24/7/365 basis, then those need to be paid funded positions.
5. Timelines for conflict resolution should be clarified. (Information detailed in B.R.’s handout, which was provided at the meeting)
6. The SCFAC is very concerned that 80 days will be too long for an investigation. (We reported that these timelines are established in law. Other state agencies such as Division of Facility Services and Department of Social Services immediately investigate concerns regarding health and safety issues. Note that LMEs can complete the jobs sooner than the deadlines.)
7. It is recommended that Client Rights committees have a quarterly report of the complaints submitted to the LME regarding status of the complaint and resolution. (We agree)
8. Provide people with a detailed outline of human rights violations and keep the footnote at the bottom of page 1 which states “including, but not limited to, G.S. 122-C Article 3, NCAC T 10A 26B.

Approved

9. There needs to be more clarity and specific outlined information with regards to what types of violations should be reviewed by client rights committees (i.e., Treated with Dignity is in the law, How to define general terms).
10. Do the Client Rights committee's recommendations go to the Area Boards? (This is determined by each Area Board, because Client Rights committees are agents of the Area Boards.)

Part II. Service Decision Complaints

11. How do you ensure that physicians are objective? Formalize an "objective review" by physician. In addition, another physician may not be directly involved in the care of a consumer, but the two physicians may be friends.
12. Please be more specific as to what would be included in the second physician's review. Will the second review just include reviewing the clinical notes, or will other evidence be considered (i.e., consumers being interviewed for any additional information, or an objective review by the doctor). SCFAC is Recommending face-to-face contact with the consumers and more specific guidelines for reviewers.
13. With an emergency (i.e., suicide), 48 hours may be too long to wait for a second review. (In no way will emergency protocols for health and safety be interrupted.)
14. Provide clarification that after the date that a service is reduced, suspended or terminated, services will not be continued during the complaint process.
15. The SCFAC recommends that consumers are given at least 10 days to file a complaint after receipt of the service decision notification letter. (Please note that it is hard to verify when a person receives a letter. However, we recommend that consumers be allowed to file late complaints if consumer can show "good cause" for the delay.)

Overall Feedback Regarding the Draft Policy

16. Provide a Consumer-Friendly Version of the policy with Bullet points versus sentence structure.
17. Clarify that all days are calendar days, and deadlines can only fall on a workday.
18. Why was Area Program (AP) used instead of Local Management Entity (LME)? (The Division edited this and we are following protocol.)
19. Support the principle of consistency with all LMEs following the same policy. (We agree with the principle.)

Approved

20. The SCFAC recommends that the Customer Service and Consumer Rights Offices be a neutral/ independent department within the LME, and the staff of this office will need to report directly to the LME Director.
21. Clarify whose job it is to help consumers with the policy (filing, understanding the process, etc.). (We expect Customer Service and Consumer Rights offices to provide this support)
22. Ensure that the complainant is notified by phone that the complaint is received, and that the complainant will be notified as soon as possible whether conflict resolution or an investigation will occur. (We agree and will clarify.)
23. A request was made regarding the extension of time for the policy comment period. (We have extended time until 1-31-05, in order provide time for consumers and CFACs to make recommendations)
24. It was recommended to personally call or contact the consumer to explain the changes in services, because persons may have difficulty reading and/or understanding letters. (We absolutely support this and will encourage LMEs to support it.)
25. It would be helpful to develop a glossary, because there are too many abbreviations. (We will do that.)
26. It was unanimous among SCFAC members that all local offices be called Customer Service and Consumer Rights offices. (This will allow consistency across the State).
27. LMEs should be encouraged to develop a listing of advocacy groups and contact information that can be provided to consumers and families for additional support.
28. Please use "Clearer Writing and Larger Font".